

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**MCI COMMUNICATIONS SERVICES,  
INC., d/b/a VERIZON BUSINESS,**

Plaintiffs,

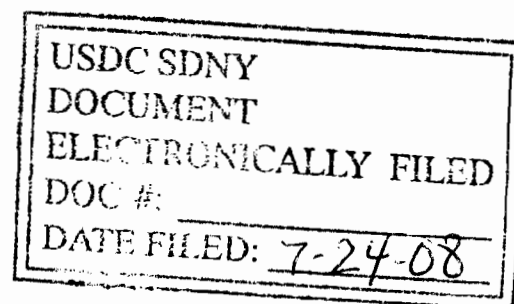
v.

**URBAN FOUNDATION/ENGINEERING  
LLC,**

Defendant.

ECF CASE

Civil Action No. 08-cv-0036-JSR



**ORDER**

This matter came before the Court pursuant to a joint telephone call to Chambers in accordance with Paragraph 2 of the Court's Individual Rules of Practice in which counsel for the parties informed the Court that the parties had agreed to stipulate to certain matters concerning the parties, liability and damages and that Defendants were requesting additional time to retain an expert witness regarding damages. Plaintiff was represented in this joint telephonic conference by its lead counsel, James J. Proszek of Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C. Defendants were represented in this joint telephonic conference by their lead counsel, Marc Silverstein of the Law Offices of Edward Garfinkel. The Court, having heard from counsel, finds that the parties have agreed to stipulate as follows:

1. Plaintiff MCI Communications Services, Inc., d/b/a Verizon Business' ("VzB") claims against Defendant Jet-Drive General Marine Contracting Co. Inc. ("Jet-Drive") are to be dismissed;

2. Urban Foundation/Engineering LLC, a New York limited liability company with its principal place of business in East Elmhurst, New York whose members are Anthony J. Mazza, a resident of Forest Hills, New York, Heymi Kuriel, a resident of Manhattan, New York,

Ben DiGiorgio, a resident of Queens, New York, and Melvin Febesh, a resident of Merrick, New York ("Urban LLC"), is to be substituted as a named defendant for Defendant, Urban Foundation Company, Inc. ("Urban Inc.");

3. Urban LLC is liable to VzB on VzB's negligence claim;
4. VzB's claims for punitive damages against Urban LLC are to be dismissed; and
5. The sole issue remaining for trial is the amount of actual damages, if any, which VzB is entitled to recover from Urban LLC on VzB's negligence claim.

The Court further finds that:

1. Urban LLC should have until August 25, 2008 to designate an expert witness regarding damages and to provide VzB with the disclosures and report concerning that expert witness required by Fed. R. Civ. P. 26(a)(2);
2. VzB should be allowed to depose that expert witness; and
3. The final pretrial currently scheduled for August 13, 2008, should be adjourned to September 15, 2008, at 4:00 p.m.

IT IS THEREFORE ORDERED:


1. VzB's claims against Jet-Drive are dismissed;
2. Urban LLC is substituted as a named party defendant for Urban, Inc.;
3. Urban LLC is liable to VzB on VzB's negligence claim;
4. VzB's claims for punitive damages against Urban LLC are dismissed;
5. The sole issue remaining for trial is the amount of actual damages, if any, which VzB is entitled to recover from Urban LLC on VzB's negligence claim;

6. Urban LLC shall have until August 25, 2008, to designate an expert witness regarding damages and to provide VzB with the report and disclosures concerning that expert witness required by Fed. R. Civ. P. 26(a)(2);

7. VzB shall be allowed to depose that expert witness;

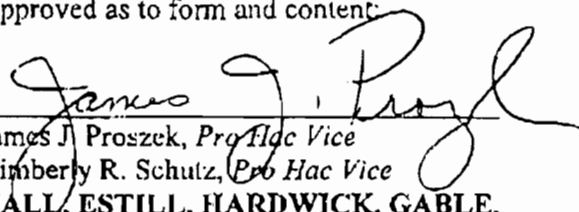
8. The final pretrial conference shall be held at 4:00 p.m. on September 15, 2008;  
and

9. No further adjournments will be allowed.

  
Honorable Jed S. Rakoff  
United States District Judge

7-23-08

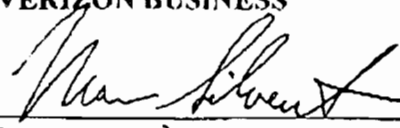
Approved as to form and content:

  
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